

MASIMO.23601



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

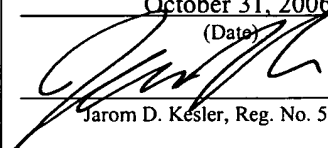
Applicant : Mohamed K. Diab  
Appl. No. : 10/695,405  
Filed : October 28, 2003  
For : OPTICAL SPECTROSCOPY  
PATHLENGTH MEASUREMENT  
SYSTEM  
Examiner : Eric F. Winakur  
Group Art Unit : 3768

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

October 31, 2006

(Date)

  
Jarom D. Kesler, Reg. No. 57,046

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

**Mail Stop Issue Fee**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

**Comments** begin on page 2 of this paper.

Appl. No. : 10/695,405  
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### COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

The Applicants respectfully disagree with the Examiner's Statement of Reasons for Allowance to the extent that not all the claims include each of the structures or method steps recited in the Examiner's Statement. Also, the Applicants respectfully disagree with the Examiner's Statement to the extent that there is any implication that the patentability of any claim rests on the recitation of a single feature because it is the combination of features recited in each claim that makes that claim patentable. Applicant also respectfully disagrees with the Examiner's characterization of the prior art to the extent that the Examiner has characterized what the prior art does or does not include.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 10/31/06

By: 

Jarom D. Kesler

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